

ENERGIZE MISSOURI HOMES

MISSOURI DEPARTMENT OF NATURAL RESOURCES



PROGRAM GUIDELINES

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

STATE ENERGY PROGRAM

SUBMITTAL DEADLINE:

July 23, 2010

4:00 PM CDT

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENERGY
1101 RIVERSIDE DRIVE
P.O. BOX 176
JEFFERSON CITY, MO 65102-0176

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I. Introduction

The Missouri Department of Natural Resources (the department) protects, preserves and enhances Missouri's natural, cultural and energy resources. As the state energy office, the Division of Energy at the department is a non-regulatory state agency that works to protect the environment and stimulate the economy through energy efficiency and renewable energy resources and technologies. To support the development of the energy efficiency and conservation industry, the department provides information, resources and financial incentives to implement energy efficiency projects.

In June 2009, the U.S. Department of Energy (U.S. DOE) approved Missouri's application under the U.S. DOE's State Energy Program (SEP) for \$57,393,000 in American Recovery and Reinvestment Act funding for energy efficiency and renewable energy programs.

The department has set aside a portion of SEP funds for a residential program which is marketed under the umbrella name *Energize Missouri Homes*. Under *Energize Missouri Homes*, the department has established the Neighborhood Challenge Program. These program guidelines provide technical assistance to potential applicants on how the Neighborhood Challenge Program will be implemented, as well as detail on all aspects of the application and reporting process.

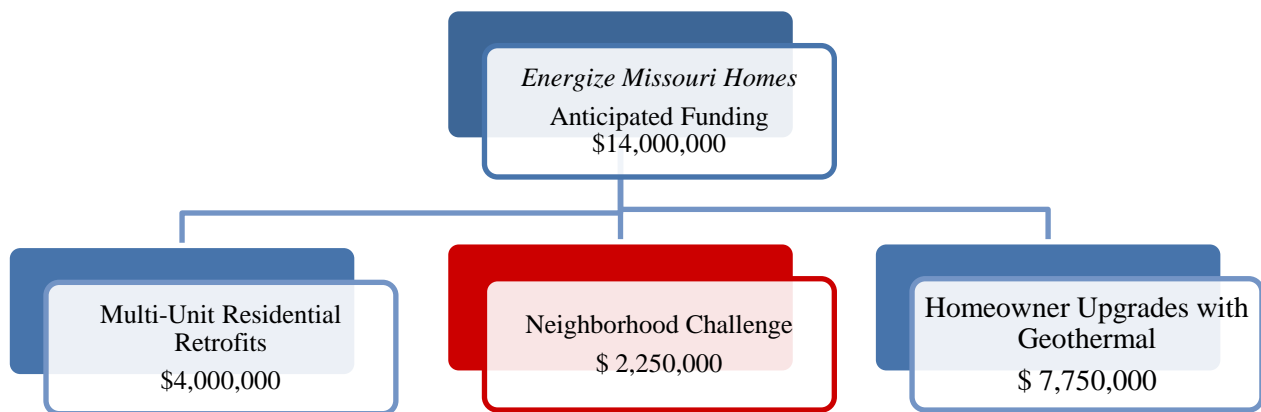


Figure 1. Anticipated *Energize Missouri Homes* Funding Allocation

1. American Recovery and Reinvestment Act of 2009

On Feb. 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). The stated purposes of the ARRA are to preserve and create jobs; promote economic recovery; assist those most impacted by the recession; provide investments needed to increase economic efficiency by spurring technological advances in science and health; invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets.

2. The State Energy Program

Congress created U.S. DOE's State Energy Program in 1996 by consolidating two other programs: the State Energy Conservation Program (SECP) and the Institutional Conservation Program (ICP). Both programs went into effect in 1975.

The State Energy Program provides grants to states and U.S. territories to promote energy conservation and reduce the growth of energy demand in ways that are consistent with national energy goals. The SEP is the only U.S. DOE sponsored activity that encompasses renewable energy and energy efficiency technologies and addresses all sectors of the economy.

The goals established for the State Energy Program are:

- Increase energy efficiency to reduce energy costs and consumption for consumers, businesses and government.
- Reduce reliance on imported energy.
- Improve the reliability of electricity and fuel supply and the delivery of energy services.
- Reduce the impacts of energy production and use on the environment.

The state of Missouri Department of Natural Resources was allocated a total of \$57,393,000 in SEP funds under ARRA, out of which \$2,250,000 is set-aside to the Neighborhood Challenge Program.

3. Program Goals

The purpose of the Neighborhood Challenge Program is to provide Missouri homeowners with the opportunity to realize measurable energy savings resulting in reduced energy costs and increased awareness of energy usage.

The specific goals of the Neighborhood Challenge Program include reducing total energy use, decreasing fossil fuel emissions, creating and retaining jobs, spurring economic growth and improving the energy efficiency of Missouri homes.

4. Anticipated Funding

Up to \$2,250,000 of ARRA SEP funds are available for grants to be awarded under these program guidelines for the Neighborhood Challenge Program. This will be a competitive funding process.

5. Timeline

Event	Date
Release Program Guidelines	June 4, 2010
Program Introduction Webinar	June 15, 2010
Deadline for Submittal of Applications	July 23, 2010
Expected Date of Award	Aug. 30, 2010
Project Start Date	Sep. 27, 2010
Project End Date	Jan. 31, 2012

6. Definitions

“Administrative” means those costs that cannot be identified with any single program but are indispensable to the conduct of grant activities. They include the overall directing, record keeping, budgeting and related management of grant activities.

“Applicant” means an eligible applicant, i.e. a municipal or cooperative electric utility that has submitted an application document with the required information on the approved forms and attachments included in these guidelines.

“Applicant contribution” means the amount of funds that the applicant will contribute to the project, including its own contributions and funds from other partners and contributors. All proposed matching expenditures must be directly related to project expenditures.

“Application” means a request for *Energize Missouri Homes* funds made by submitting the required information as stipulated in these guidelines.

“Authorized official” means an official that has authority to sign documents on behalf of the entity it represents.

“Control group” means the group of selected homeowners that will not receive home energy reports or the in-home energy monitoring devices, but will only be used for comparative purposes when the subgrantee is analyzing energy savings data.

“Cost-effectiveness” means a measure of how effective grant dollars are in achieving a given result. For the purpose of these program guidelines, cost-effectiveness will be determined by dividing the total amount of funding requested by the number of homeowners in the test group.

“Electric cooperative utility” means a generation, transmission or distribution utility cooperative that services customers with electricity, typically in more rural areas. Each customer is a member-owner of the cooperative.

“Energy efficiency” means measures that reduce the amount of electricity required to achieve a given end use.

“Force account” means, under the Davis-Bacon Act, a “do-it-yourself” type of construction by which a governmental agency receiving a grant decides not to contract out the work but actually performs it “in-house” with its own employees. Such work is not generally subject to Davis-Bacon Act requirements.

“Grant agreement” means a legal instrument provided by the department to the subgrantee, that outlines the terms and conditions the subgrantee must follow.

“Greenhouse gases” means gases that trap heat in the atmosphere. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), and Nitrous Oxide (N₂O) and Fluorinated gases.

“Lead applicant” means the eligible applicant submitting a collaborative application on behalf of a coalition of partners.

“Leveraged funds” means funds made available to the project from sources other than *Energize Missouri Homes* to further the objectives of the project.

“Municipal electric utility” means a nonprofit utility that is owned and operated by the community it serves.

“Partners” means entities collaborating on an application. Partners may include municipal electric utilities, cooperative electric utilities, not-for-profit associations or organizations and for profit entities.

“Program completion date” means the date that all grant tasks are complete and equipment is installed and operational.

“Primary Place of Residence” means the single-family home, or residential unit should be, or should be demonstrably intended to be, the particular individual's primary place of residence, for purposes of:

- Mailing address.
- Income tax (e.g. forms or returns).
- Voting.
- Municipal or school taxes.
- Telephone listing.

“Simple payback” means the amount of time it will take to recover a project’s investment through reduced or avoided energy costs.

“Subgrantee” means an entity that has been awarded a grant under the Neighborhood Challenge Program.

“Test group” means the group of selected homeowners that will receive either the home energy reports or the in-come energy monitoring devices.

“Total project costs” means the costs of implementing a project including the cost of (a) materials, (b) equipment, (c) labor and (d) other expenses.

II. Eligibility Criteria

1. Eligible Applicants

Under the Neighborhood Challenge Program, eligible applicants are municipal electric utilities, cooperative electric utilities and not-for-profit associations or organizations comprised of such utilities. Eligible applicants that apply to implement a program must serve residential customers with electricity in the state of Missouri.

2. Ineligible Applicants

Private entities are not eligible to submit applications for the Neighborhood Challenge Program. Examples of ineligible applicants include, but are not limited to, investor owned utilities, private businesses and consulting firms. However, Missouri Department of Natural Resources encourages the establishment of strategic and multi-jurisdictional partnerships, between applicants and other entities, including those listed above, to extend the reach and impact of the Neighborhood Challenge Program.

3. Eligible Projects Costs

For purposes of the Neighborhood Challenge Program, eligible project costs are only those associated with the implementation of the program as described in these program guidelines

All projects funded under this program must be physically located within the state of Missouri.

4. Ineligible Projects and Costs

The following projects are NOT eligible for funding under these program guidelines:

- A. Projects for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- B. Funds for buying or leasing property.
- C. Funds to conduct or purchase equipment to conduct research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available.
- D. Projects that propose using used equipment.
- E. Projects that begin construction prior to signing a grant agreement with the department.
- F. Applicants that fail to demonstrate that projects will be completed on or before the project completion deadline of Jan. 31, 2012.

5. Collaborative Applications and Partnerships

A group of eligible applicants may choose to submit a collaborative application, provided that the application is submitted by a single eligible applicant representing the group (lead applicant). The required assurances from an authorized official representing each of the applicants must be provided.

III. Program Information – Neighborhood Challenge

1. Program Introduction

The Neighborhood Challenge Program will provide grants through a competitive process for municipal and cooperative electric utilities and nonprofit organizations or associations representing such utilities, hereinafter referred to as “eligible applicants”, to develop and implement a behavioral efficiency program with the goals of energy reduction and increased awareness of energy usage. Behavioral efficiency programs provide energy usage data and energy-reduction strategies to homeowners so that they can make more informed decisions about their energy use.

The objective of the Neighborhood Challenge Program is to encourage participating homeowners to voluntarily reduce their energy use by providing them with information regarding how their usage compares to that of other program participants. The purpose of comparing program participants’ energy usage is to create a competitive atmosphere with the intended effect of increasing energy savings.

To evaluate the success of the program, participating homeowners’ energy usage over a specific period will be compared to that of a “control group” of similar homeowners that are not participating in the program. The purpose of the control group is to ensure that the energy savings were a direct result of program activities and not due to external factors.

2. Eligible Activities – Program Categories

Eligible applicants may submit one application for any of the following three program categories, including: Home Energy Reports, In-Home Energy Monitoring Devices or Combination Program.

2.1 Home Energy Reports

Program Description:

Under the Home Energy Report program category, subgrantees will be responsible for selecting a test group of homeowners that will receive home energy reports for a period of twelve consecutive months. Subgrantees must also select a control group of homeowners that will not receive the reports; the control group must be at least twenty percent the size of the test group.

Characteristics of test group and control group participants should be as similar as possible to enable an “apples-to-apples” comparison of electric use. Subgrantees must define the criteria they will use to assure similarity among test group and control group participants. Factors that should be considered include square footage of the house, number of occupants and similar record of energy usage. Subgrantees should note that other behavioral efficiency programs have resulted in higher energy savings when the test and control groups were comprised of higher energy users.

Subgrantees will create and send hard-copy reports to test group participants once a month. These reports must be sent independent of utility bills. The reports must contain the following information:

- A brief program introduction, including an explanation of the three categories of energy use for program participants; most efficient, average and least efficient neighbors.
- Home energy usage for the previous month.
- Chart or ranking system that depicts the homeowner’s usage compared to the other categories.
- No-cost and low-cost electric efficiency and conservation tips for the homeowner.

- Promotion of utility's energy programs and other *Energize Missouri Homes* programs available to the homeowner, *Energize Missouri Homes* program information will be provided by the department.
- Consistent branding that will be approved by the department and will contain an ARRA and Missouri Department of Natural Resources logo.

Reports will not show information comparing energy usage between the test group and the control group.

Minimum Project Size:

To qualify for funding the test group must consist of a minimum of 15,000 homes. However, all of the homes do not need to receive service from the same utility, as utilities are allowed and encouraged to forge partnerships under this program category.

Maximum Funding Level:

The subgrantee may be awarded up to 100 percent of eligible project costs, with a maximum grant award of \$500,000 for this program category. Funding decisions are made as funding is available and the department is not obligated to provide the maximum grant amount.

2.2 In-Home Energy Monitoring Devices

Program Description:

Under the In-Home Energy Monitoring Devices (devices) program category, subgrantees will be responsible for selecting a test group of homeowners to receive devices that display home energy usage data in an easy to understand manner. The subgrantees must also select a control group of homeowners that do not receive the devices; the control group must be at least twenty percent the size of the test group.

Characteristics of test group and control group participants should be as similar as possible to enable an "apples-to-apples" comparison of electric use. Subgrantees must define the criteria they will use to assure similarity among test group and control group participants. Factors that should be considered include square footage of the house, number of occupants and similar record of energy usage and. Note that other behavioral efficiency programs have resulted in higher energy savings when the test and control groups were comprised of higher energy users

Not less than one month prior to installing the devices for participating homeowners, the subgrantee must notify the homeowners in the test group that they will be receiving a device and have the option to opt-out of the program. Homeowners must also understand that they will receive quarterly updates over the period of a year, which will report on their energy usage in comparison to previous years and in comparison to other program participants. Upon delivery of the devices, the subgrantee will be responsible for providing accompanying comprehensive installation and user directions. Upon program completion the device will become property of the homeowner unless the homeowner wishes to return the device to the utility.

Minimum Project Size:

To qualify for funding the test group must consist of a minimum of 300 homes. However, all of the homes do not need to receive service from the same utility, as utilities are both allowed and encouraged to develop partnerships under this program category.

Maximum Funding Level:

The subgrantee may be awarded up to 100 percent of eligible project costs, with a maximum grant award of \$100,000 for this program category. Funding decisions are made as funding is available and the department is not obligated to provide the maximum grant amount.

2.3 Combination Program

Program Description:

Under the Combination Program Category, the subgrantee will be responsible for conducting a mixture of the Home Energy Reports and the In-Home Energy Monitoring Devices program categories. Subgrantees are required to follow the guidelines as detailed above in Section III.2.1 and Section III.2.2.

Minimum Project Size:

To qualify for funding the test group must consist of a minimum of 20,000 homes. However, all of the homes do not need to receive service from the same utility, as utilities are allowed and encouraged to forge partnerships under this program category.

Maximum Funding Level:

The subgrantee may be awarded up to 100 percent of eligible project costs, with a maximum grant award of \$750,000. Funding decisions are made as funding is available and the department is not obligated to provide the maximum grant amount.

3. Leveraged Funding

Subgrantees are encouraged to leverage other funding sources to the greatest extent possible. Leveraged funds means funds made available to the project from sources other than *Energize Missouri Homes*. Examples of leveraged funds include, but are not limited to, subgrantee contributions, collaborating partners' funds, bonds, state funds and other federal funds as applicable to the project.

Energize Missouri Homes funds may be used in conjunction with other funding, but subgrantees should note that **tracking and reporting of *Energize Missouri Homes* funding must be kept separate** by appropriate accounting methods, to meet federal and state reporting requirements. The terms and conditions of the grant agreement will specify the format, tools and information required for reporting programmatic and energy metrics as identified by U.S. DOE and the federal and state government.

4. Administrative Expenses

Subgrantees are allowed to use up to five percent of funds requested for administrative expenses, if warranted. There will be no amendments to increase the administrative line item after awards have been made.

5. Partnerships

Applicants may choose to submit a collaborative application, in order to reach the minimum project size, provided that the application is submitted by a single eligible applicant representing the group (lead applicant). The required assurances from an authorized official representing each of the applicants must be provided.

6. Grant Payments

Grant payments will be provided on a cost-reimbursement basis. Upon award, the subgrantee shall receive a grant agreement providing specific conditions and instructions on grant payments. All receipts, invoices and staff payroll certifications must be legible and have the items applied towards the energy improvement costs clearly identified.

IV. Subgrantee Requirements

1. General Terms and Conditions

The subgrantee will agree to abide by the general terms and conditions (**Exhibit A**), the program specific terms and conditions (**Exhibit B**), and the ARRA special terms and conditions (**Exhibit C**) which highlight the requirements which are especially pertinent to federal subgrants made by the Missouri Department of Natural Resources.

In addition, the subgrantee must comply with all governing requirements of their subgrant, including the federal common rule.

2. Project Completion Date

All projects that receive funding under the Neighborhood Challenge Program must be completed on or before Jan. 31, 2012. The department will not, without exception, authorize any extensions to the project completion date and reserves the right to terminate a grant agreement and de-obligate awarded funds. In such case, the subgrantee shall not be reimbursed for costs incurred at their risk.

3. Required Registrations

All subgrantees must be registered and in good standing in accordance with the requirements below:

Dun and Bradstreet Data Universal Number System (DUNS): Prior to beginning work, subgrantees must obtain a DUNS number or, if necessary, update their organization's information. DUNS Number assignment is FREE for all businesses required to register with the U.S. Federal Government for contracts or grants. Once you receive this number, please be sure to file it appropriately as you will need it to register with the Central Contractor Registry (below) and to apply for funding through the State Energy Program. To request your DUNS number via the Web, please visit the following URL: <http://fedgov.dnb.com/webform>. For technical difficulties, contact govt@dnb.com or call the D&B government customer response center at 1-866-705-5711.

Central Contractor Registry (CCR): All subgrantees must maintain current registration in the CCR at all times during which they have an active award funded with ARRA funds. The CCR database is the federal government's primary registrant database. It collects, validates, stores and disseminates data in support of federal grants, cooperative agreements, and other forms of assistance. Registrants must update or renew their registration at least once per year to maintain an active status.

- 1) To register, visit the following link: <http://www.bpn.gov/ccr/>
- 2) Download the user account guide from the central contractor registry for instructions on creating or modifying a CCR account <http://www.bpn.gov/ccr/doc/UserAccount.pdf>
- 3) From the CCR home page, select "start new registration" or log in to your account to update or renew registration. Follow instructions from the user account guide to complete the application process.

4. Transparency Requirements

All files, progress reports, financial reports, documents and data pertaining to the SEP will be posted on federal and state websites for public viewing. Federal law mandates substantial reporting and

documentation of funded activities as well as more intensive monitoring and auditing. Additional sources of ARRA information are available at: <http://www.recovery.gov/Pages/home.aspx>

5. Reporting Requirements

Congress has specifically mandated that all ARRA recipients must report on the use of said funds for purposes of transparency and oversight. All funds issued under ARRA are subject to unparalleled scrutiny, with specific distribution and reporting requirements by the federal government and the state of Missouri.

Subgrantees will be required to submit monthly progress and expenditure reports in accordance with the requirements of the grant agreement. Additional quarterly, annual and completion reports may be requested from the subgrantee. Missouri Department of Natural Resources reserves the right to structure reporting requirements on a project-specific basis.

6. Davis-Bacon Act

ARRA §1606 states that the **Davis-Bacon prevailing wage requirement broadly applies to construction projects funded with ARRA appropriations.** In order to receive any funding under this grant, the subgrantee must comply with the requirements of this act. The Davis-Bacon Act (40 U.S.C. 3141-3148) requires payment of locally prevailing wages (including fringe benefits) to laborers and mechanics on federal government contracts in excess of \$2,000 for construction, alteration, or repair of public buildings or public works who are employed directly on the site of the work. The provisions of the Davis-Bacon Act apply to both contractors and subcontractors.

7. Buy American Provision

In accordance with ARRA, §1605, the subgrantee assures that it will not use ARRA funds for a project for the construction, alternation, maintenance, or repair of a public building or public works unless all of the **iron, steel and manufactured goods used in the project are produced in the United States.**

The only exceptions to this rule would be if iron, steel and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or inclusion of iron, steel and manufactured goods produced in the United States may increase the cost of the overall project by more than 25 percent.

8. National Environmental Policy Act (NEPA) Requirements

The National Environmental Protection Act of 1970 (NEPA), as amended (42 U.S.C. 4371, *et seq.*) requires federal agencies to consider the potential environmental impacts of their proposed actions. Awards issued under the Neighborhood Challenge Program will be funded pursuant to a grant from the U.S. DOE to the Missouri Department of Natural Resources. U.S. DOE must comply with NEPA when awarding grants to states. Accordingly, subgrantees may not take action using federal funds for projects that may have an adverse effect on the environment prior to DOE providing a final NEPA determination regarding the selected projects.

For more information regarding NEPA see U.S. DOE's NEPA website:

<http://www.gc.energy.gov/NEPA/>

Based on a review of the list of activities that funds can be utilized for under the SEP Program, DOE has determined that projects that meet certain criteria and conditions will likely be classified as categorical exclusions and will not require a NEPA review. Missouri Department of Natural Resources does not foresee applications submitted under these program guidelines requiring NEPA review, however, the department reserves the right to review all program activities.

9. National Historic Preservation Act (NHPA) Requirements

Because Recovery Act funds are federal, all funding recipients must meet federal cultural resource review requirements under Section 106 of the National Historic Preservation Act. For more information regarding Section 106 see the State Historic Preservation Office (SHPO) website: <http://www.dnr.mo.gov/shpo/>

Projects involving a building or structure included in the National Register of Historic Places (NRHP) or one eligible for inclusion in the NRHP will require additional documentation.

Applicants should note that U.S. DOE will only consider the project in compliance with Section 106 of the NHPA when adequate background documentation has been submitted and written concurrence that SHPO does not object to its Section 106 determination has been provided. In addition, applicants should note that funding will be dependent on projects meeting Section 106 requirements.

10. Contractor Requirements

A contractor or subcontractor working on an energy efficiency project must be a company registered for operations within the state of Missouri.

VI. Selection Criteria

1. Evaluation Process

The Missouri Department of Natural Resources is soliciting and receiving applications under the Neighborhood Challenge Program through a competitive process. The department will evaluate every timely submitted application via a multi-party review which will be based on both qualitative and quantitative criteria.

Applications will be evaluated (1) to determine whether the application submitted is completed in accordance with these program guidelines, (2) to determine whether the proposed project meets the project eligibility criteria specified in these program guidelines and (3) to determine whether, based on the information supplied by the applicant, the application demonstrates sufficient likelihood of actual project development and achievement of benefits.

Applications will be rated to determine which eligible projects best meet evaluation criteria. In recognition of the wide range and complexity of activities that could qualify for this grant, the applicant may be requested to provide more information during the review process. The Missouri Department of Natural Resources reserves the right to investigate each applicant's current and past compliance with local, state, and federal laws, rules, regulations and policies, and the applicant's status may be used to determine whether a grant is made.

2. Evaluation Criteria

Evaluation criteria have been developed to assist Missouri Department of Natural Resources in identifying those projects that display the most potential for achieving the goals of the program. Applications will be rated based on the following criteria:

- **Project Size and Location:** size and location of the test group and the control group of homeowners, larger groups will be scored higher.
- **Partnerships:** applications that include partnerships between two or more entities.
- **Justification of Selected Homeowners:** explanation of the criteria used for selecting homeowners.
- **Experience Conducting Efficiency Programs:** experience and success with any similar or other energy efficiency programs that the applicant and/or its partners have conducted.
- **Cost-effectiveness of the Project:** number of homeowners in the test group divided by the amount of funding requested.
- **Project Feasibility and Overall Impact:** likelihood of project completion, potential to accomplish defined goals and objectives, extent to which a project increases the capacity of Missouri's workforce to support energy efficiency industries in the state, degree to which a project involves products manufactured in Missouri or services provided by a company based in Missouri, overall technical feasibility and potential for replication.
- **Participation of Small Communities:** preference will be given to applicants that conduct this program in small communities (1,000 residents or under).

- **Program Continuity:** ability and/or willingness to continue the Neighborhood Challenge Program, or a similar program, beyond the grant period.
- **Technology Selection:** preference will be given to applicants that select a technology which utilizes accompanying software and/or connects to an online monitoring system.

3. Notification of Award

After the review and selection process is completed, the subgrantee will be notified that the project has been approved for funding at a specified amount. The subgrantee will also receive a grant agreement form, which must be signed and mailed back to the department within the given timeframe. The grant agreement form contains terms and conditions the grant recipient must follow. Unsuccessful applicants will be informed in writing. Application documents will not be returned.

4. Rejection of Applications

Missouri Department of Natural Resources reserves the right to reject any application. The submission of an application under these guidelines confers no right upon any applicant. The department is not obligated to award any grants, to pay any costs incurred by the applicant in the preparation and submission of an application, or pay any project related costs incurred prior to the grant beginning date.

Applications will be rejected and not considered for funding if:

- A. The application is not received by the due date and time as specified in these program guidelines.
- B. The applicant is not an eligible applicant in accordance with Section II of these program guidelines.
- C. The application does not include the signature of an authorized individual.
- D. The proposed project is inconsistent with the goals of the ARRA or *Energize Missouri Homes*.

VII. Application Process

Applications must follow the specified deadlines, format and guidelines provided in these program guidelines.

For instructions on how to fill out the application and required forms, please refer to a separate document titled **“Program Manual”**. Be sure to complete all relevant sections, attach appropriate supporting documents and have the application signed and dated. Only applications that furnish complete information will be considered for a grant. There are no additional format requirements; however, to conserve resources, it is encouraged that applications be printed duplex (two-sided) on post consumer recycled content paper. The use of binders or any other elaborate covers is strongly discouraged.

The applicant must submit two copies of the completed paper application (including supporting documents) and a compact disc (CD) containing the corresponding electronic application to the department. Note that the completed application form on the compact disc should be in Microsoft Word format and other files or attachments should be in Microsoft Word, Excel or Adobe PDF format.

Two hard copies of the complete application along with the compact disc should be mailed to:

Missouri Department of Natural Resources
Division of Energy
Attention: Industrial Energy Efficiency Program
1101 Riverside Dr., P.O. Box 176
Jefferson City, MO 65102-0176

**All applications must be received by 4 p.m. CDT on
July 23, 2010**

VIII. Available Assistance

1. Webinar

A webinar will be held on Tuesday, June 15, 2010, from 10 a.m. to noon CDT to describe funding opportunities, discuss the program guidelines and the application process and answer general inquiries about the Neighborhood Challenge Program.

To register for the webinar, please visit <https://www1.gotomeeting.com/register/269397720>.

2. Questions

Applicants may submit questions at any time during the application process. For questions, please e-mail the Neighborhood Challenge Program at: EMH.challenge@shawgrp.com.

All questions and answers will be posted on the *Energize Missouri Homes* website at <http://dnr.mo.gov/transform/energizemissourihomes.htm> as part of this application manual. The person and organization submitting a question will not be identified.

3. Other Technical Assistance

Applicants are encouraged to contact *Energize Missouri Homes* staff for technical assistance in the preparation of their applications. The staff will do its best to respond in a timely manner to these requests. For technical assistance please contact:

Energize Missouri Homes
1-877-610-0834
EMH.challenge@shawgrp.com

Additionally, Missouri Department of Natural Resources encourages applicants to seek advice from regional planning commissions, private consultants, engineers, governmental associations and nonprofit organizations when preparing applications.

IX. Supporting Documents

Document Code	Description
Exhibit A	General Terms and Conditions
Exhibit B	Program Specific Terms and Conditions
Exhibit C	ARRA Special Terms and Conditions
Form A	Application Cover Page
Form B	Project Narrative
Form C	Project Partners
Form D	Home Energy Report Program Details
Form E	In-Home Energy Monitoring Devices Program Details

EXHIBIT A
MISSOURI DEPARTMENT OF NATURAL RESOURCES
Federal Subgrants
GENERAL TERMS AND CONDITIONS

I. Administrative Requirements

These general terms and conditions highlight requirements which are especially pertinent to federal subgrants made by the Missouri Department of Natural Resources (the department). These general terms and conditions do not set out all of the provisions of the applicable laws and regulations, nor do they represent an exhaustive list of all requirements applicable to this award. These terms and conditions are emphasized here because they are frequently invoked and their violation is of serious concern.

In addition to these terms and conditions, the subgrantee must comply with all governing requirements of their subgrant, including the Federal Common Rule (adopted by federal agencies and contained in specific Codes of Federal Regulation, for each federal agency, under the title "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The Common Rule is fully incorporated by reference into these terms and conditions. The common rule as codified by the federal granting agency can be found at <http://www.whitehouse.gov/omb/grants/chart.html>

- A. **Method of Payment.** The subgrantee will be reimbursed by the department for all allowable expenses incurred in performing the scope of services. The subgrantee shall report project expenses and submit to the department original invoices for payment as required by division/program per the subgrant agreement. The form must be completed with the department invoiced amount and local share detailed. Invoices must provide a breakdown of project expenses by the budget categories contained in the subgrant budget. Invoices must be received by the department per the subgrant agreement. No reimbursements will be made for expenditures incurred after the closing budget date unless a budget time period extension has been granted by the department prior to the closing date.
1. Payments under non-construction grants will be based on the grant sharing ratio as applied to the total project cost for each invoice submitted unless the subgrant specifically provides for advance payments. Advance payments may only be made upon a showing of good cause or special circumstances, as determined by the department. Advance payments will only be made on a monthly basis to cover estimated expenditures for a 30-day period or as otherwise agreed. The department will not advance more than 25 percent of the total amount of the grant unless the recipient demonstrates good cause.
 2. All reimbursement requests must have the following certification by the authorized subgrantee official: I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made or will be made in accordance with the subgrant and that payment is due and has not been previously requested.
- B. **Retention and Custodial Requirements for Records.** The subgrantee shall retain financial records, supporting documents, and other records pertinent to the subgrant for a

period of three years starting from the date of submission of the final financial status report. Authorized representatives of federal awarding agencies, the Comptroller General of the United States, and the department shall have access to any pertinent books, documents, and records of subgrantees in order to conduct audits or examinations. The subgrantee agrees to allow monitoring and auditing by the department and/or authorized representative. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the subgrantee shall retain records until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

C. Program Income.

1. **Program Income.** Subgrantees are encouraged to earn income to defray program costs. Program income means income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under the subgrant, and from payments of principal and interest on loans made with subgrant funds. Program income does not include items such as interest on grant funds, rebates, credits, discounts, or refunds.

- D. Match or Cost Share Funding.** In general, match or cost sharing represents that portion of project costs not borne by state appropriations. The matching share will usually be prescribed as a minimum percentage. In-kind (noncash) contributions are allowable project costs when they directly benefit and are specifically identifiable to the project or program. Any in-kind match must be assigned a fair market value stated in dollars and the rationale used to calculate the value must be provided. Neither costs nor the values of third party in-kind contributions count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another federal subgrant agreement, a federal procurement contract, or any other award of federal funds. Federal funds from another federal grant or subgrant shall not count towards satisfying a cost sharing or matching requirement of a grant agreement.

1. Match or cost share funding will be established by the department through negotiation with the subgrantee. Signature by both the department and subgrantee on the subgrant signature form firmly affixes the match or cost sharing ratios. Full expenditure of subgrantee match or cost share funding is required over the life of the subgrant. Subgrantee must invoice the department, as required by the particular subgrant, and provide financial records for total expenditure of state and match or cost share funding. The department will reimburse the subgrantee for its percentage portion agreed to less any negotiated withholding.
2. Failure to provide 100 percent of the match or cost share ratio of total expenditures as identified in the subgrant may cause the subgrantee to become ineligible to receive additional financial assistance from the department. Failure to provide the required match may result in other enforcement remedies as stated in Y. for non-compliance.

- E. Financial Management Systems.** The financial management systems of subgrantees must meet the following standards:

1. **Financial Reporting.** Accurate, current, and complete disclosure of financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the subgrant;
 2. **Accounting Records.** Maintain records which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income;
 3. **Internal Control.** Effective control and accountability must be maintained for all subgrantee cash, real and personal property, and other assets. Subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes;
 4. **Budget Control.** Actual expenditures or outlays must be compared with budgeted amounts for each subgrant;
 5. **Allowable Costs.** Applicable OMB cost principles, federal agency program regulations, and the subgrant scope of work will be followed in determining the reasonableness, allowability, and allocability of costs;
 6. **Source Documentation.** Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract, and subgrant award document. The documentation must be made available by the subgrantee at the department's request;
 7. The subgrantee shall have procedures in place to minimize the time lapsed between money disbursed by the department and money spent by the subgrantee.
- F. **Reporting of Program Performance.** Subgrantee shall submit to the department a performance report for each program, function, or activity as specified by the subgrant or at least annually and/or after completion of the project. Performance report requirements, if not expressly stated in the scope of work, should include, at a minimum, a comparison of actual accomplishments to the goals established, reasons why goals were not met, including analysis and explanation of cost overruns or higher unit cost when appropriate, and other pertinent information. Representatives of the department shall have the right to visit the project site(s) during reasonable hours for the duration of the contract period and for three years thereafter.
- G. **Budget and Scope of Work Revisions.** Subgrantees are permitted to rebudget within the approved direct cost budget to meet unanticipated requirements. However, subgrantee must request approval in writing to revise budgets and scopes of work under the following conditions:
1. For non-construction grants, subgrantees shall obtain the prior approval of the department, unless waived by the department, for cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions or activities when the accumulative amounts of such transfers exceed or are expected to exceed 10 percent of the current total approved budget whenever the department's share exceeds \$100,000.

2. For construction and non-construction projects, subgrantees shall obtain prior written approval from the department for any budget revision which would result in the need for additional funds.
3. For combined non-construction and construction projects, the subgrantee must obtain prior written approval from the department before making any fund or budget transfer from the non-construction to construction or vice versa.
4. Subgrantees under non-construction projects must obtain prior written approval from the department whenever contracting out, subgranting, or otherwise obtaining a third party to perform activities which are central to the purpose of the award.
5. Changes to the scope of services described in the subgrant must receive prior approval from the department. Approved changes in the scope of work or budget shall be incorporated by written amendment to the subgrant.
6. Extending the grant past the original completion date requires approval of the department.

H. **Equipment Use.** Subgrantee agrees that any equipment purchased pursuant to this agreement shall be used for the performance of services under this agreement during the term of this agreement. The equipment shall not be moved from the state of Missouri without approval from the department. The following standards shall govern the utilization and disposition of equipment acquired with subgrant funds:

1. Title to equipment acquired under this subgrant will vest with the subgrantee on acquisition. Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost \$5,000 and greater.
 - a. Equipment shall be used by the subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by department funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by the department or the federal agency. If the department puts subgrantee on notice that it believes grant assets are not being used for the intended purpose, subgrantee shall not sell, give away, move or abandon the assets without the department's prior written approval.
 - b. The subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the department, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the department. User fees should be considered if appropriate.

- c. The subgrantee must not use equipment acquired with department funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by state or federal law. This fee may be considered program income under Section C above.
 - d. When acquiring replacement equipment, the subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the department.
- 2. Equipment Management. Subgrantee's procedures for managing equipment, whether acquired in whole or in part with subgrant funds, will, at a minimum, meet the following requirements until disposition takes place:
 - a. Subgrantee must maintain property records that include a description of the equipment, a serial number or other identification number, the source of property, the acquisition date, cost of the property, percentage of federal or state participation in the cost of the property, and the location, use and condition of the property.
 - b. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 - c. A control system must be developed to ensure adequate safeguards to prevent against loss, damage, or theft of the property. Any loss, damage, or theft shall be reported to and investigated by local authorities. The subgrantee shall procure and maintain insurance covering loss or damage to equipment purchased with a sub-grant award, with financially sound and reputable insurance companies or through self-insurance, in such amounts and covering such risks as are usually carried by companies engaged in the same or similar business and similarly situated.
 - D. subgrantee must develop adequate maintenance procedures to keep the property in good condition.
 - e. If the subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
- 3. Disposition. When original or replacement equipment acquired under a subgrant is no longer needed for the original project or program or for other activities currently or previously supported by the department, subgrantee shall dispose of the equipment as follows:
 - a. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the department.
 - b. For items of equipment with a current per unit fair market value of \$5,000 or more, the department shall have a right to an amount

calculated by multiplying the current market value or proceeds from sale by the department's share of the equipment.

- c. In cases where a subgrantee fails to take appropriate disposition actions, the department may direct the subgrantee how to dispose of the equipment.
- d. If the department puts subgrantee on notice that it believes grant assets are not being used for the intended purpose, subgrantee shall not sell, give away, move or abandon the asset without department's written approval.

- I. **Supplies.** Title to supplies acquired under a subgrant will vest, upon acquisitions, in the subgrantee.

If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the subgrantee shall compensate department for its share.

- J. **Inventions and Patents.** If any subgrantee produces subject matter, which is or may be patentable in the course of work sponsored by this subgrant, subgrantee shall promptly and fully disclose such subject matter in writing to the department. In the event that the subgrantee fails or declines to file Letters of Patent or to recognize patentable subject matter, the department reserves the right to file the same. The department grants to the subgrantee the opportunity to acquire an exclusive license, including the right to sublicense, with a royalty consideration paid to the department. Payment of royalties by subgrantee to the department will be addressed in a separate royalty agreement.

- K. **Copyrights.** Except as otherwise provided in the terms and conditions of this subgrant, the author or the subgrantee is free to copyright any books, publications, or other copyrightable material developed in the course of this subgrant; however, the department and federal awarding agency reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, with the approval of department, the work for government purposes.

- L. **Prior Approval for Publications.** The subgrantee shall submit to the department two draft copies of each publication and other printed materials which are intended for distribution and are financed, wholly or in part, by subgrant funds. The subgrantee shall not print or distribute any publication until receiving written approval by the grant manager.

- M. **Mandatory Disclosures.** subgrantee agrees that all statements, press releases, requests for proposals, bid solicitations, and other documents describing the program/project for which funds are now being awarded will include a statement of the percentage of the total cost of the program/project which is financed with federal and state money, and the dollar amount of federal and state funds for the program/project.

- N. **Procurement Standards.** Subgrantees shall use their own procurement procedures provided that procurement conforms to standards set forth in the "Uniform

Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

1. No work or services, paid for wholly or in part with state or federal funds, will be contracted without the written consent of the department. See G.4.
 2. subgrantee agrees that any contract, interagency agreement, or equipment to be procured under this award which was not included in the approved work plan must receive formal department approval prior to expenditure of funds associated with that contract, interagency agreement, or equipment purchase.
- O. **Audit Requirements.** The department has the right to conduct audits of recipients at any time. The subgrantee shall arrange for independent audits as prescribed in OMB Circular A-133, Single Audit Act Amendments of 1996, as applicable. Audits must confirm that records accurately reflect the operations of the subgrantee; the internal control structure provides reasonable assurance that assets are safeguarded, and subgrantee is in compliance with applicable laws and regulations. When the subgrantee has its yearly audit conducted by a governmental agency or private auditing firm, the relevant portion(s) of the audit report will be submitted to the department. Other portions of the audit shall be made available at the department's request.
- P. **Allowability of Costs.** Allowability of costs shall be determined in accordance with cost principles contained in OMB Circular No. A-87 for state and local governments, and Circular No. A-122 for nonprofit organizations.
- Q. **Conflicts of Interest.** No party to this subgrant, nor any officer, agent, or employee of either party to this subgrant, shall participate in any decision related to such subgrant which could result in a real or apparent conflict of interest, including any decision which would affect their personal or pecuniary interest, directly or indirectly.
- The subgrantee is advised that, consistent with Chapter 105, RSMo, no state employee shall perform any service for consideration paid by the subgrantee for one year after termination of the employee's state employment by which the former state employee attempts to influence a decision of a state agency. A state employee who leaves state employment is permanently banned from performing any service for any consideration in relation to any case, decision, proceeding, or application in which the employee personally participated during state employment.
- R. **State Appropriated Funding.** The subgrantee agrees that funds expended for the purposes of this subgrant must be appropriated and made available by the Missouri General Assembly for each fiscal year included within the subgrant period, as well as being awarded by the federal or state agency supporting the project. Therefore, the subgrant shall automatically terminate without penalty or termination costs if such funds are not appropriated and/or granted. In the event that funds are not appropriated and/or granted for the subgrant, the subgrantee shall not prohibit or otherwise limit the department's right to pursue alternate solutions and remedies as deemed necessary for the conduct of state government affairs. The requirements stated in this paragraph shall apply to any amendment or the execution of any option to extend the subgrant.
- S. **Eligibility, Debarment and Suspension.** By applying for this award, the subgrantee verifies that it, its board of directors, and all of its principals are currently in compliance

with all state and federal environmental laws and court orders issued pursuant to those laws, and that all environmental violations have been resolved (for example, no pending or unresolved Notices of Violation (NOV)) at the time of application. If compliance issues exist, subgrantee shall disclose to the department all pending or unresolved violations noted in an NOV, administrative order, or civil and criminal lawsuit, but only where those alleged violations occurred in the past two years in the state of Missouri. The department will not make any award at any time to any party which is debarred or suspended, under federal or state authority, or is otherwise excluded from or ineligible for participation in federal assistance under Executive Order 12549, "Debarment and Suspension." subgrantee shall complete a Debarment/Suspension form when required by the department. Furthermore, subgrantee is also responsible for written debarment/suspension certification of all subcontractors receiving funding through a federally funded grant.

- T. **Restrictions on Lobbying.** No portion of this award may be expended by the recipient to pay any person for influencing or attempting to influence the executive or legislative branch with respect to the following actions: awarding of a contract; making of a grant; making of a loan; entering into a cooperative agreement; or the extension, continuation, renewal, amendment or modification of any of these as prohibited by Section 319, Public Law 101-121 (31 U.S.C. 1352).

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

- U. **Recycled Paper.** Consistent with Federal Executive Order 13101 and 13423 and EPA Executive Order 1000.25, the subgrantee shall use recycled paper consisting of at least 30 percent post consumer fiber and double sided printing for all reports which are prepared as a part of this grant award and delivered to the department. The subgrantee must use recycled paper for any materials that it produces and makes available to any parties. The chasing arrows symbol representing the recycled content of the paper will be clearly displayed on at least one page of any materials provided to any parties.

- V. **Contracting with Small and Minority Firms, Women's Business Enterprise, and Labor Surplus Area Firms.** In accordance with Missouri Executive Order No. 05-30 and federal administrative provisions, all subgrantees shall make every feasible effort to target the percentage of goods and services procured from certified minority business enterprises (MBE) and women business enterprises (WBE) to 10 percent and 5 percent, respectively, when utilizing subgrant funds to purchase supplies, equipment, construction and services related to this subgrant.

1. The subgrantee agrees to take all necessary affirmative steps required to assure that small and minority firms and women's business enterprises are used when possible as sources when procuring supplies, equipment, construction and services related to the subgrant. The subgrantee agrees to include information about these requirements in solicitation documents. Affirmative steps shall include:

- a. Placing qualified minority business and women's business enterprises on solicitation lists;

- b. Ensuring that minority business and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by minority business and women's business enterprises;
- d. Establishing delivery schedules, where the requirements of work will permit participation by minority business and women's business enterprises;
- e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, and;
- f. Requiring any prime contractor or other subgrantee, if subgrants are to be allowed, to take the affirmative steps in subparagraphs a. through e. of this section.

W. **Disputes.** Subgrantee and the department should attempt to resolve disagreements concerning the administration or performance of the subgrant. If an agreement cannot be reached, the department program director will provide a written decision. Such decision of the program director shall be final unless a request for review is submitted to the division director within ten (10) business days after the program director's decision. Such request shall include: (1) a copy of the program director's final decision; (2) a statement of the amount in dispute; (3) a brief description of the issue(s) involved; and (4) a concise statement of the objections to the final decision. A decision by the division director shall constitute final department action.

X. **Termination**

- 1. Termination for Cause. The department may terminate any subgrant, in whole or in part, at any time before the date of completion whenever it is determined that the subgrantee has failed to comply with the terms and conditions of the subgrant. The department shall promptly notify the subgrantee in writing of such a determination and the reasons for the termination, together with the effective date. The department reserves the right to withhold all or a portion of grant funds if the subgrantee violates any term or condition of this subgrant.
- 2. Termination for Convenience. Both the department and subgrantee may terminate the subgrant, in whole or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds.
- 3. This agreement is not transferable to any person or entity.

Y. **Enforcement; Remedies for Noncompliance.** If a subgrantee falsifies any award document or materially fails to comply with any term of a grant, award, or subgrant, the department may take one or more of the following actions, as appropriate:

1. Suspend or terminate, in whole or part, the current award or grant.;
 2. Disallow all or part of the cost of the activity or action not in compliance;
 3. Temporarily withhold cash payments pending subgrantee's correction of the deficiency;
 4. Withhold further awards from the subgrantee;
 5. Order subgrantee not to transfer ownership of assets purchased with grant money without prior department approval; or
 6. Take other remedies that may be legally available, including cost recovery, breach of contract, and suspension or debarment.
- Z. **Subgrantee's Signature.** The subgrantee's signature on the application and the award documents signifies the subgrantee's agreement to all of the terms and conditions of the award.
- AA. **Human Trafficking. This requirement applies to non-profit recipients or subrecipients.** The subgrantee, their employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award. The department has the right to terminate unilaterally: (1) implement section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), noncompliance that are available to the subgrantee under this award.
- BB. **Illegal Immigration.** As per HB 1549, 1771, 19395 & 2366 - Section 67.307 2. Any municipality that enacts or adopts a sanctuary policy will be ineligible for moneys provided through grants administered by any state agency or department until the policy is repealed or is no longer in effect.
- CC. **Illegal Immigration – Missouri Statutes – RSMo 285.525 – 285.550 Effective Jan. 1, 2009.** Effective Jan. 1, 2009 and pursuant to RSMo 285.530 (1), no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.
- DD. **Management Fees.** Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent the authorized as a direct cost of carrying out the scope of work.

II. Statutory Requirements

Subgrantees must comply with all federal state and local laws relating to employment, construction, research, environmental compliance, and other activities associated with grants from the department. Failure to abide by these laws is sufficient grounds to cancel the award. For

a copy of state and federal laws that typically apply to grants from the department, contact the department grants manager.

Any subgrantee, in connection with its application for financial assistance, shall include a certification that the subgrantee, its board of directors and principals are in compliance with the specific federal and state laws set out below. Further, the subgrantee shall report to the department any instance in which the subgrantee or any member of its board of directors or principals is determined by any administrative agency or by any court in connection with any judicial proceeding to be in noncompliance with any of the specific federal or state laws set forth below. Such report shall be submitted within ten (10) working days following such determination. Failure to comply with the reporting requirement may be grounds for termination of this subgrant or suspension or debarment of the subgrantee

A. Laws and regulations related to nondiscrimination:

1. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
2. Title VII of the Civil Rights Act of 1964 found at 42 U.S.C. §2000(e) et.seq. which prohibits discrimination on the basis of race, color, religion, national origin, or sex;
3. Title IX of the Education Amendments of 1972, as amended (U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability;
5. Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 621-634), which prohibits discrimination on the basis of age;
6. Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
7. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
8. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
9. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
10. Chapter 213 of the Missouri Revised Statutes which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, and disability.
11. The Americans with Disabilities Act (P. L. 101-336), 42 U. S. C. §12101 et seq., relating to nondiscrimination with respect to employment, public services, public accommodations and telecommunications.

12. Any other nondiscrimination provisions in the specific statute(s) and regulations under which application for federal assistance is being made.
 13. The requirements of any other nondiscrimination statute(s) and regulations which may apply to the application.
- B. State and Federal Environmental Laws:
1. The Federal Clean Air Act, 42 U.S.C. § 7606, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.
 2. The Federal Water Pollution Control Act, 33 U.S.C. § 1368, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.
 3. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., as amended, particularly as it relates to the assessment of the environmental impact of federally assisted projects.
 4. The National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq., as amended, relating to the preservation of historic landmarks.
 5. Earthquakes - Seismic Building and Construction Ordinances, §§ 319.200 - 319.207, RSMo (Cum. Supp. 1990), relating to the adoption of seismic design and construction ordinances by certain cities, towns, villages and counties.
 6. The Missouri Clean Water Law, Sections 644.006 to 644.141, RSMo.
 7. The Missouri Hazardous Waste Management Law, Section, 260.350 to 260.430, RSMo.
 8. The Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo.
 9. The Missouri Air Conservation Law, Sections 643.101 to 643.190, RSMo.
- C. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601 and 4651 et seq., relating to acquisition of interest in real property or any displacement of persons, businesses, or farm operations.
- D. The Hatch Act, 5 U.S.C. § 1501 et seq., as amended, relating to certain political activities of certain State and local employees.
- E. The Archaeological and Historic Preservation Act of 1974 (Public Law 93-291) relating to potential loss or destruction of significant scientific, historical, or archaeological data in connection with federally assisted activities.
- F. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

- G. The flood insurance purchase requirements of § 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) which requires subgrantees in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- H. The Privacy Act of 1974, P.L. 93-579, as amended prohibiting the maintenance of information about any individual in a manner which would violate the provision of the Act.
- I. Public Law 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.
- J. The Laboratory Animal Welfare Act of 1966 (P. L. 89-544), 7 U.S.C. § 2131 et seq., pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- K. The following additional requirements apply to projects that involve construction:
 - 1. The Davis-Bacon Act, as amended, 40 U.S.C. § 276a et seq., respecting wage rates for federally assisted construction contracts in excess of \$2000.
 - 2. The Copeland (Anti-Kickback) Act, 18 U.S.C. § 874, 40 U.S.C. § 276c.
 - 3. The Contract Work Hours and Safety Standards Act, 40 U.S.C. § 327 et seq.
 - 4. Convict labor shall not be used on construction projects unless by convicts who are on work release, parole, or probation.
 - 5. The Lead-Based Paint Poisoning Prevention Act (42 U. S. C. § 4801 et seq.) which prohibits the use of lead paint in construction or rehabilitation of residence structures.
- L. Trafficking Victims Protection Act of 2000, Section 106, as amended (22 U.S.C. 7104(g) relating to termination of contract award based should any employee of the department, recipient or subrecipient violate this act.
- M. Missouri House Bill 1549, 1771, 1395 & 2366 – Illegal Aliens and Immigration Status Verification – This bill change the laws regarding illegal aliens and immigration status verification. Effective Jan. 1, 2009, no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform working within the state of Missouri.
- N. Federal Funding Accountability and Transparency Act of 2006 (S. 2590) – Required information on federal awards be made available to the public via a single searchable website. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance.

EXHIBIT B**PROGRAM SPECIFIC TERMS AND CONDITIONS****1. DECONTAMINATION AND/OR DECOMMISSIONING (D&D) COSTS**

Notwithstanding any other provisions of this Agreement, the State shall not be responsible for or have any obligation to the subrecipient for (i) Decontamination and/or Decommissioning (D&D) of any of the subrecipient's facilities, or (ii) any costs which may be incurred by the subrecipient in connection with the D&D of any of its facilities due to the performance of the work under this Agreement, whether said work was performed prior to or subsequent to the effective date of the Agreement.

2. PROGRAM INCOME

If a subrecipient earns program income during the project period as a result of this award, the subrecipient must add the program income to the funds committed to the award and utilize the funding to further eligible project objectives.

3. PUBLICATIONS

- a. Subrecipients are encouraged to publish or otherwise make publicly available the results of the work conducted under the award.
- b. An acknowledgment of DOE support and a disclaimer must appear in the publication of any material, whether copyrighted or not, based on or developed under this project, as follows:

Acknowledgment: "This material is based upon work supported by the Department of Energy [National Nuclear Security Administration] [add name(s) of other agencies, if applicable] under Award Number DE-EE0000761."

Disclaimer: "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

4. NOTICE REGARDING THE PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS -- SENSE OF CONGRESS

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-made.



EXHIBIT C

ARRA SPECIAL TERMS AND CONDITIONS

MISSOURI DEPARTMENT OF NATURAL RESOURCES

Federal Subgrants

Special Terms and Conditions Related to Transform Missouri

and the

American Recovery and Reinvestment Act

These terms and conditions highlight requirements which are especially pertinent to federal subgrants made by the Missouri Department of Natural Resources (MDNR) using American Recovery and Reinvestment Act funds. These terms and conditions do not set out all of the provisions of the applicable laws and regulations, nor do they represent an exhaustive list of all requirements applicable to this award. These terms and conditions do not replace the general terms and conditions or other terms and conditions as they apply to the subgrant award. These terms and conditions are to be followed in addition to all other terms and conditions.

I. Program Reporting Requirements and Certification

In accordance with the American Recovery and Reinvestment Act of 2009 (ARRA), §3, funds made available under ARRA should be used to preserve and create jobs and promote economic recovery; assist those most impacted by the recession; provide investment needed to increase economic efficiency by spurring technological advances in science and health; invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. ARRA funds should be managed and expended so as to achieve the purposes specified as quickly as possible consistent with prudent management.

Congress has specifically mandated that all ARRA recipients that receive funds directly from the federal government must report on the use of said funds for purposes of transparency and oversight. All funds issued under ARRA are subject to unparalleled scrutiny, with specific distribution and reporting requirements by the federal government and the State of Missouri.

ARRA funds are derived from a unique funding source and shall be tracked separately at all times. Accordingly, it is agreed and understood that by accepting ARRA funds through this contract that each subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will fully comply with the requirements herein and any requirements hereafter issued by the federal government or the State of Missouri for compliance with ARRA and other related federal and state laws. Further, it is understood that this contract is subject to all applicable terms and conditions of ARRA. It is anticipated that future guidance on requirements for tracking and reporting expenditures of ARRA funds will be issued by the Director of the Office of Management and Budget (OMB) or other federal agencies. Each subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will comply with all such requirements as published at

any time during the contract period in order to allow for the accountability of ARRA funds in a manner that ensures transparency and accountability in accordance with all program and ARRA requirements.

ARRA, §1512, referred to as the Jobs Accountability Act, sets forth certain reporting requirements that the State of Missouri must comply with and submit to the federal government no later than ten (10) days after the end of each calendar quarter beginning July 10, 2010. Accordingly, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall submit the following information in a timely manner to the State of Missouri, Department of Natural Resources, no later than three business days after the end of each calendar quarter, beginning on July 3, 2010:

- (1) The total amount of ARRA funds the recipient received from the State of Missouri;
- (2) The dollar amount of ARRA Funds that were expended or obligated for each project or activity;
- (3) A detailed list of all projects or activities for which ARRA funds were expended or obligated, including:
 - the name of the project or activity;
 - a description of the project or activity;
 - an evaluation of the completion status of the project or activity;
 - an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - for infrastructure investments, the purpose, total cost, and rationale for funding the infrastructure investment with funds made available under ARRA, and the name of the person to contact if there are concerns with the infrastructure investment;
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, hereafter referred to as the “Transparency Act”), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget; and
- (5) A 2008 amendment to the Transparency Act called the “Government Funding Transparency Act of 2008” (Public Law 110-252) added a requirement to collect compensation information on certain chief executive officers (CEOs) of the recipient and subrecipient entity. Accordingly, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall report required information under the Transparency Act, including, but not limited to:
 - The name of the entity receiving the award;
 - The amount of the award;
 - The transaction type;
 - The funding agency;
 - The Catalog of Federal Domestic Assistance number;
 - The program source;
 - The location of the entity receiving the award, including four data elements for the city, State, Congressional district, and country;
 - The location of the primary place of performance under the award, including four data elements the city, State, Congressional district, and country;
 - A unique identifier of the entity receiving the award;
 - A unique identifier for the parent entity for the recipient, should the recipient be owned by another entity; and
 - The names and total compensation of the five most highly compensated officers of the company if it received: 1) 80% or more of its annual gross revenues in Federal awards; and 2) \$25M or more in annual gross revenue from Federal awards.

Standard data elements and federal instructions for use in complying with reporting requirements under §1512, ARRA, are pending review by the federal government, and were published in the Federal Register on April 1, 2009 [74 FR 14824], and are to be provided online at www.FederalReporting.gov.

II. Buy American

In accordance with ARRA, §1605, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will not use ARRA funds for a project for the construction, alternation, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. The subrecipient(s) understands that this requirement may only be waived by the applicable federal agency in limited situations as set out in ARRA, §1605.

III. Wage Rate Requirements

In accordance with ARRA, §1606, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall fully comply with said section in that notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the federal government pursuant to ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (Davis-Bacon Act) or as determined by the Missouri Department of Labor and Industrial Relations in accordance with RSMo 290.550 through 290.580, whichever is higher. It is understood that the Secretary of Labor has the authority and functions set forth in Reorganization Plan Numbered 14 or 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

IV. Whistleblower Protection

In accordance with ARRA, §1553, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall fully comply with said section, including, but not limited to, assuring that its employees will not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the federal government or any representative thereof, the State of Missouri, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury any information that the employee reasonably believes is evidence of: 1) gross mismanagement of a contract or grant relating to ARRA; 2) a gross waste of ARRA funds; 3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; 4) an abuse of authority related to the implementation or use of ARRA funds; or 5) a violation of law, rule, or regulation related to this contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to ARRA funds. In accordance with ARRA, §1553(e), the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall post notice of the rights and remedies provided in ARRA, §1553.

V. Inspection of Documents

In accordance with ARRA, §§902, 1514 and 1515, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will cooperate with any representative of the State of Missouri, Comptroller General, or appropriate inspector general appointed under §3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) in the examination of its records that pertain to, and involve transactions relating to this contract, and agrees that it and its personnel can be interviewed by said entities regarding this contract and related program.

VI. National Environmental Policy Act

The subrecipient assures that it, as well as its subrecipients will not take any action using federal funds, which would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to the

granting agency providing either a NEPA clearance or a final NEPA decision regarding the project. The Department is working with the federal granting agencies to develop Categorical Exclusions, which would exempt certain categories of activities from further review under NEPA. Project specific activities may require additional information from the subrecipient for NEPA compliance review by the granting agency. If the subrecipient or its subrecipients move forward with activities that are not authorized for federal funding by the granting agency in advance of the final NEPA decision, the subrecipient and its subrecipients are doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

If this award includes construction activities, the subrecipient and its subrecipients must submit an environmental evaluation report/evaluation notification form addressing NEPA issues prior to the granting agency initiating the NEPA process.

Prohibited actions include: allowing any projects to go forward under the Request for Proposal (RFP) until further NEPA evaluation. This restriction does not preclude the subrecipient nor its subrecipients from the following:

Implementation & Subgrants: selecting a contractor; that contractor conducting outreach; making program recommendations; developing and publishing an RFP; and selecting recipients under the RFP.

VII. Historic Preservation

Prior to the expenditure of Federal funds to alter any structure or site, the Missouri Department of Natural Resources (MDNR) is required to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA). Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. In order to fulfill the requirements of Section 106, the MDNR must contact the State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to coordinate the Section 106 review outlined in 36 CFR Part 800. SHPO contact information is available at the following link: <http://www.ncshpo.org/find/index.htm>. THPO contact information is available at the following link: <http://www.nathpo.org/map.html>. A direct link to the State of Missouri's SHPO website is: <http://www.dnr.mo.gov/shpo/>. Missouri's SHPO contact is Rebecca Prater at 573.751.7958.

Section 110(k) of the NHPA applies to DOE funded activities. Recipients shall avoid taking any action that results in an adverse effect to historic properties pending compliance with Section 106.

Subrecipients should be aware that the federal granting agency will consider the MDNR in compliance with Section 106 of the NHPA only after the MDNR has submitted adequate background documentation to the SHPO/THPO for its review, and the SHPO/THPO has provided written concurrence to the MDNR that it does not object to its Section 106 finding or determination. MDNR shall provide a copy of this concurrence to the agency's Contracting Officer. In order to comply with this, subrecipients will be required to submit required information as needed by the MDNR. A link to the 106 Project Information Form can be found at: <http://dnr.mo.gov/forms/780-1027.pdf>

VIII. Additional Restrictions of ARRA Funds

In accordance with ARRA, §1602, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will give preference to activities, funded by ARRA for infrastructure investment, that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the enactment of ARRA and in a manner that will maximize job creation and economic benefit.

In accordance with ARRA, §1604, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall not use ARRA funds for any casino or other gambling establishment, aquarium, zoo, golf course or swimming pool.

In accordance with ARRA, §1554, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will award contracts funded in whole or in part with ARRA funds as fixed-price

contracts through the use of competitive procedures. It will also provide a summary to the State of Missouri, Department of Natural Resources of any said contract awarded by the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, that is not fixed-price and not awarded using competitive procedures for posting in a special section of the website established in ARRA, §1526.

In accordance with ARRA, §1609, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended. (42 U.S.C. 4371, *et seq.*). The subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will submit information on the status and progress of those projects and activities using ARRA funds subject to NEPA pursuant to any requirements of the Council on Environmental Quality (CEQ) and OMB.

In accordance with ARRA, §1512(h), the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall register in the Central Contractor Registration (CCR) database at www.ccr.gov, and maintain current registration at all time during the pendency of this contract. In order to register in CCR, a valid Dun and Bradstreet Data Universal Numbering System (DUNS) Number is required. See www.dnb.com.

IX. Employment of Unauthorized Aliens Prohibited

Pursuant to §285.530.1, RSMo, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, do not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri, and shall affirm, by sworn affidavit and provision of documentation, its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Further, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

In accordance with sections 285.525 to 285.550, RSMo a general contractor or subcontractor of any tier shall not be liable when such contractor or subcontractor contracts with its direct subcontractor who violates subsection 1 of section 285.530, RSMo if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of subsection 1 of section 285.530, RSMo and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.

X. Enforceability

If a subrecipient or one of its subrecipients fails to comply with all applicable federal and state requirements governing these funds, the State of Missouri may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies provided to the State of Missouri for recovery of misspent funds available under all applicable state and federal laws.

XI. Publication of Confidential Information

An application may contain technical data and other data, including trade secrets and/or privileged or confidential information, which the applicant does not want disclosed to the public or used by the Government for any purpose other than the application. To protect such data, the applicant should specifically identify each page including each line or paragraph thereof containing the data to be protected and mark the cover sheet of the application with the following Notice as well as referring to the Notice on each page to which the Notice applies:

Notice of Restriction on Disclosure and Use of Data

The data contained in pages ---- of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that

if this applicant receives an award as a result of or in connection with the submission of this application, MDNR shall have the right to use or disclose the data here to the extent provided in the award. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant.

Information about this agreement may be published on the Internet and linked to the website www.recovery.gov, maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

XII. False Claims Act

The subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall promptly refer to the State of Missouri or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

XIII. Recovery Act Logo

This project receives funding under the American Recovery and Reinvestment Act of 2009 (Recovery Act) and the subrecipient assures that it, as well as its subrecipients or loan recipients if required by future OMB guidance, must display the Recovery Act Logo in a manner that informs the public that the project is a Recovery Act investment. The ARRA logo may be obtained from the DOE/EPA grants office listed in this award document. If DOE/EPA logo is displayed along with the Recovery Act logo and logos of other participating entities, the DOE/EPA logo must not be displayed in a manner that implies that DOE/EPA itself is conducting the project. Instead, the DOE/EPA logo must be accompanied with a statement indicating that the grantee, subgrantee or loan recipient received financial assistance from DOE/EPA for the project.

XIV. Publications and Public Relation Events

All publications which are intended for distribution and are financed, wholly or in part, by subgrant funds, must contain the following verbiage: Funds are made possible through the American Recovery and Reinvestment Act and the Transform Missouri initiative and administered by the Missouri Department of Natural Resources. Additionally, ARRA, Transform Missouri, and the MDNR logos, as provided by the MDNR to the subrecipients, must be included in all of the aforementioned publications.

The subrecipient assures that it, as well as its subrecipients, shall submit to the MDNR two draft copies of each publication and other printed materials which are intended for distribution and are financed, wholly or in part, by subgrant funds. The subrecipient nor its subrecipients shall not print or distribute any publication until receiving written approval by the grant manager.

The subrecipient assures that it, as well as its subrecipients, shall notify the MDNR five business days in advance of all public relations events related to ARRA-funded activities whereby the public and/or media is invited to participate and provide opportunity for involvement.

XV. Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Subrecipient Responsibilities for Informing Subrecipients

- (1) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111--5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 "Uniform Administrative Requirements for Grants and Agreements" and OMB Circular A--102 Common Rules provisions, subrecipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A--102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

- (2) For subrecipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A--133, "Audits of States, Local Governments, and Non-Profit Organizations," subrecipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF--SAC) required by OMB Circular A--133. OMB Circular A--133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF--SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF--SAC.
- (3) Subrecipients agree to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a subrecipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.
- (4) Subrecipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the subrecipient SEFA described above. This information is needed to allow the subrecipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.